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CLERK OF COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY *mm* DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOEL I. BERNSTEIN, M.D., INC.,

Defendant.

Case No. 13cr0119-CAB

ORDER OF CRIMINAL
FORFEITURE

WHEREAS, in the Information in the above-captioned case, the United States sought forfeiture of all right, title and interest of the above-named Defendant, JOEL I. BERNSTEIN, M.D., INC. ("Defendant"), pursuant to Title 18, United States Code, Section 982(a)(7), in any and all property that constitutes or is derived, directly or indirectly, from gross proceeds traceable to the commission of the offense charged in the Information; and

WHEREAS, on or about January 23, 2013, Defendant pled guilty to the Information, which plea included a consent to the forfeiture allegation of the Information and an agreement to entry of a \$1,249,174.82 money judgment against the Defendant in favor of the United States; and

WHEREAS, by virtue of the admissions of the Defendant set out in the plea agreement, attached forfeiture addendum and guilty plea, the Court determined that **\$1,249,174.82** (U.S. dollars) represents the gross proceeds the Defendant obtained

1 directly or indirectly as a result of the violation of Title 18, United States Code, Sections
2 1347 and 2, as charged in the Information; and

3 WHEREAS, by virtue of said guilty plea and the Court's findings, the United
4 States is now entitled to an Order of Forfeiture and a judgment in its favor against the
5 Defendant in the amount of **\$1,249,174.82**, pursuant to 18 U.S.C. § 982(a)(7) and
6 Rule 32.2(b) of the Federal Rules of Criminal Procedure; and

7 WHEREAS, Rule 32.2(c)(1) provides that "no ancillary proceeding is required to
8 the extent that the forfeiture consists of a money judgment;" and

9 WHEREAS, by virtue of the facts set forth in the plea agreement, the United States
10 has established the requisite nexus between the \$1,249,174.82 judgment and the offense;
11 and

12 WHEREAS, the United States, having submitted the Order herein to the Defendant
13 through its attorney of record, to review, and no objections having been received;

14 Accordingly, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

15 1. Defendant JOEL I. BERNSTEIN, M.D., INC. shall forfeit to the United
16 States the sum of **\$1,249,174.82** pursuant to 18 U.S.C. § 982(a)(7); and

17 2. Judgment shall be entered in favor of the United States against Defendant
18 JOEL I. BERNSTEIN, M.D., INC. in the amount of \$1,249,174.82.00, with interest to
19 accrue thereon in accordance with 18 U.S.C. § 3612(f) and 28 U.S.C. § 1961; and

20 3. This Court shall retain jurisdiction in the case for the purpose of enforcing
21 the order of forfeiture and collecting and enforcing the judgment; and

22 4. Pursuant to Rule 32.2(b)(3), this Order of Forfeiture shall be made final as
23 to the Defendant at the time of sentencing and is part of the sentence and included in the
24 judgment; and

25 5. The United States may, at any time, move pursuant to Rule 32.2(e) to
26 amend this Order of Forfeiture to substitute property having a value not to exceed
27 **\$1,249,174.82** to satisfy the money judgment in whole or in part; and

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1 6. The United States may take any and all actions available to it to collect and
2 enforce the judgment.

3 DATED: 4/1/13



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5 CATHY ANN BENCIVENGO, Judge
6 United States District Court
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